

§ 211.4 Recording the entry of certain immigrant children admitted without immigrant visas.

When an immigrant alien who: (a) Is a child born subsequent to the issuance of an immigrant visa to his accompanying parent; or (b) is a child born during the temporary visit abroad of a mother who is a lawful permanent resident, or a national, of the United States, is admitted to the United States for lawful permanent residence without an immigrant visa, the admission shall be recorded on Form I-181.

[32 FR 9625, July 4, 1967. Redesignated at 41 FR 55849, Dec. 23, 1976]

§ 211.5 Alien commuters.

(a) *General.* Notwithstanding any other provisions of this part, an alien lawfully admitted for permanent residence or a special agricultural worker lawfully admitted for temporary residence under section 210 of the Act may commence or continue to reside in foreign contiguous territory and commute as a special immigrant defined in section 101(a)(27)(A) of the Act to his place of employment in the United States. Such commutation may be daily or seasonal for employment which, on the whole, is regular and stable. At the time of each reentry the commuter must present a valid Form I-551, or I-688 in lieu of an immigrant visa and passport. An alien commuter engaged in seasonal work will be presumed to have taken up residence in the United States if he is present in this country for more than six months, in the aggregate, during any continuous 12-month period. An alien commuter's address report under section 265 of the Act must show his actual residence address even though it is not in the United States.

(b) *Loss of residence status.* An alien commuter who has been out of regular employment in the United States for a continuous period of six months shall be deemed to have lost his residence status, notwithstanding temporary entries in the interim for other than employment purposes, unless his employment in the United States was interrupted for reasons beyond his control other than lack of a job opportunity or he can demonstrate that he has worked ninety days in the United States in the

aggregate during the twelve-month period preceding his application for admission into the United States. Upon loss of status, Form I-551 or I-688 shall become invalid and shall be surrendered to an immigration officer.

(c) *Eligibility for benefits under the immigration and nationality laws.* Until he has taken up residence in the United States, an alien commuter cannot satisfy the residence requirements of the naturalization laws and cannot qualify for any benefits under the immigration laws on his own behalf or on behalf of his relatives other than as specified in paragraph (a) of this section. When an alien commuter takes up residence in the United States, he shall no longer be regarded as a commuter. He may facilitate proof of having taken up such residence by notifying the Service as soon as possible, preferably at the time of his first reentry for that purpose. Application for issuance of a new alien registration receipt card to show that he has taken up residence in the United States shall be made on Form I-90.

[40 FR 34106, Aug. 14, 1975. Redesignated and amended at 41 FR 55849, Dec. 23, 1976; 45 FR 32657, May 19, 1980; 46 FR 4858, Jan. 19, 1981; 52 FR 16193, May 1, 1987; 53 FR 18260, May 23, 1988; 54 FR 8184, Feb. 27, 1989; 58 FR 48778, Sept. 20, 1993]

PART 212—DOCUMENTARY REQUIREMENTS: NONIMMIGRANTS; WAIVERS; ADMISSION OF CERTAIN INADMISSIBLE ALIENS; PAROLE

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